

ENTERED

August 22, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JOSHUA H. JUMBO,

Plaintiff.

V.

GOODWILL INDUSTRIES
HOUSTON,

Defendant.

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CIVIL ACTION NO. 4:21-CV-03509

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

On August 31, 2022, all dispositive and non-dispositive pretrial matters were referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1). Dkt. 31. Judge Edison filed a Memorandum and Recommendation on August 7, 2023, recommending that Goodwill Industries Houston's Motion for Summary Judgment (Dkt. 43) be **GRANTED** in part and **DENIED** in part. *See* Dkt. 52.

On August 18, 2023, Plaintiff Joshua H. Jumbo ("Jumbo") filed his Objections. In accordance with 28 U.S.C. § 636(b)(1)(C), this Court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.*; *see also* FED. R. CIV. P. 72(b)(3).


The Court has carefully considered the Objections; the Memorandum and Recommendation; the pleadings; and the record. The Court notes that the Memorandum

and Recommendation erroneously states in three places that Jumbo applied for a sales manager position at Goodwill Industries Houston. In all other instances, the Memorandum and Recommendation correctly states that Jumbo applied for a store manager position. Although this error has no substantive effect on the outcome of the case, all references to sales manager position in Judge Edison's Memorandum and Recommendation should be understood to be referring to the store manager position. With that caveat, the Court **ACCEPTS** Judge Edison's Memorandum and Recommendation and **ADOPTS** it as the opinion of the Court. It is therefore **ORDERED** that:

- (1) Judge Edison's Memorandum and Recommendation (Dkt. 52) is **APPROVED AND ADOPTED** in its entirety as the holding of the Court; and
- (2) Goodwill Industries Houston's Motion for Summary Judgment (Dkt. 43) is **GRANTED** in part and **DENIED** in part. The only claims that should survive summary judgment are Jumbo's discrimination and retaliation claims under Title VII and § 1981 based on an alleged wrongful demotion.

It is so **ORDERED**.

SIGNED and ENTERED this 22nd day of August 2023.



GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE